

Edward L. Dungay, Alexander Young, John Manahan, Daniel P. Smith, John Murray, Edward Davis, John Gray, Jr., Benjamin L. Vanhorn, Heinrich Swanbeck, Asa Fuller, Elferd Gager, Fredrick Payinkoff, Augustus Hinckley, and for which duplicates have been issued to said pre-emptors; *Provided*, That the Governor of the State of Minnesota shall be allowed by Congress, or by the General Land Office, at Washington, to select other vacant lands instead of those thus pre-empted.

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.

WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
July 22, 1858. }

I hereby certify the foregoing to be a true copy of the original on file.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXI.

An Act to Incorporate the City of Hastings and to repeal a former Charter.

- CHAPTER 1. City boundaries.
2. Election of officers and vacancies.
3. Powers and duties of officers.
4. City Council—its general powers and duties.
5. Taxes—manner of assessment, levying and collecting.
6. Opening of Streets, Lanes, &c.
7. Miscellaneous Provisions.

Be it enacted by the Legislature of the State of Minnesota :

CHAPTER I.

SECTION 1. All that part of the county of Dakota contained within the limits and boundaries hereinafter described, shall be a city by the name of Hastings, and the people now:

Corporation inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the City of Hastings, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all Courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Boundaries **SEC. 2.** The Territory included within the following boundaries and limits, shall constitute the city of Hastings, viz: Section twenty, (20,) twenty-nine, (29,) thirty-two, (32,) thirty-three, (33,) thirty-four, (34,) and thirty-five, (35,) and fractional sections sixteen, (16,) seventeen, (17,) twenty-one, (21,) twenty-two, (22,) twenty-three, (23,) twenty-six, (26,) twenty-seven, (27,) and twenty-eight, (28,) all being in township number one hundred and fifteen, (115,) north of range number seventeen, (17,) west of the fifth principal meridian, and in the aforesaid county of Dakota, and the jurisdiction of said city shall also extend on the north front thereof over the Mississippi River to the left bank thereof descending. The said city is hereby divided into three Wards, viz: The First Ward to comprise all the Territory within the city limits east of a line drawn through the middle of Bailly street, from the north to the south boundary of the city; the Second Ward to comprise all the Territory west of the line of the First Ward, and east of a line drawn through the middle of Vermillion street, from the north to the south boundary of the city; and the Third Ward to comprise all the Territory within the city limits not included within the First and Second Wards.

CHAPTER II.

Annual election **SEC. 1.** After the first election, the annual election of city officers shall be held on the third Tuesday of May of each year, at such places within each Ward as the City Council shall designate, and the polls shall be kept open from ten o'clock, A. M., till four, P. M., and ten days previous notice shall be given by the City Council, of the time and places of holding such elections, and the officers to be elected, by posting notices thereof in three of the most public places in the city, and by publishing the same in at least one of the papers published in the city.

Elective officers **SEC. 2.** The elective officers of the city shall be a Mayor, Clerk, and one Alderman from the First and Third Wards, and two Aldermen from the Second Ward, who shall have been residents of the Ward from which they are elected for at least thirty days next preceding the day of election, and shall hold their office for one year from the first of June, and until their successors are elected and qualified.

SEC. 3. Whenever a vacancy shall occur in the office of Mayor or Alderman, such vacancy shall be filled by a new election, which shall be ordered and held within twelve days after such vacancy shall occur; any vacancy occurring in any other office, shall be filled by the City Council. Any person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Vacancies.--
how filled

SEC. 4. All elections by the people shall be by ballot, and a plurality of votes constitute an election; whenever two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the City Council, at such times and in such manner as they may direct.

Plurality vote
for an election

SEC. 5. All persons entitled to vote for County and State Officers, and who shall have resided in the city for six months and in the Ward in which he may offer to vote, thirty days next preceding the day of election, shall be entitled to vote for any officer to be elected under this Act, and to hold any office hereby created.

Who may vote

SEC. 6. After the first election, the election in said city shall be held and conducted by the Aldermen of each Ward, who shall be Inspectors of Elections, and who shall take the oath or affirmation prescribed by the general laws of this State, to be taken by the Judges and Inspectors of Elections. The Inspectors shall have power to appoint a Clerk, and to administer the necessary oaths. The said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the Board of Inspectors thereof, filled as required by the general laws of this State regarding elections.

Manner of hold-
ing election

SEC. 7. When an election shall be closed, and the number of votes for each candidate or person voted for, counted and ascertained, the said Inspectors shall make returns thereof, stating the number of votes for each person, for each and every office, and shall deliver, or cause to be delivered, such returns to the City Clerk, who shall within ten days, give notice to each of the persons so elected, of their respective elections.

Return of elec-
tion

SEC. 8. Special elections to fill vacancies, or for any other purpose, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as annual elections.

Special elec-
tions

SEC. 9. Any officer removing from this city, or any Alderman removing from the Ward for which he was elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to qualify and enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the City Council shall proceed

Failure of off-
icer to enter
upon duty

to fill such vacancy, as herein prescribed or provided by ordinance, not in conflict with the provisions hereof.

First election **Sec. 10.** The first election for city officers, of the holding of which, the passage of this Act shall be deemed sufficient notice, shall be held on the fourth Wednesday of June next, at which time an election shall be held in each Ward, and the voters of the First Ward shall vote at the house of P. Rourke, those of the Second Ward, at the City Hotel, and those of the Third Ward, at the St. Cloud House, but the City Council may change said places of holding elections to any other convenient place in each Ward respectively.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

Oath of office to be taken **Sec. 1.** Every person appointed or elected to any office under this Act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the Clerk of the city; and the Treasurer and Tax Collector, and such other officers as the City Council may direct, shall severally, before entering upon the duties of their respective offices, execute to the city of Hastings, a bond with at least two sureties, to be approved by the City Council, and such bond shall contain such conditions as the City Council may deem proper, and they may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Bond and sureties

Mayor—his duties

Sec. 2. The Mayor shall, when present, preside over the meetings of the City Council, and take care that the laws of the State and the ordinances of the city be strictly enforced and duly observed, and that all other executive officers of the city discharge their respective duties. The Mayor or any two Aldermen may call special meetings of the City Council. He shall have power to execute all acts that may be required of him by an ordinance made in pursuance of this Act, and is hereby authorized to call upon every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot, to call out the militia to aid him in suppressing the same in carrying into effect any law or ordinance; any person who shall not obey such call, shall forfeit to said city a fine not exceeding twenty-five dollars, and not less than five dollars.

Neglect of duties by Mayor

Sec. 3. In case the Mayor shall be guilty of any willful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and on conviction thereof, shall pay a fine of not more than five hundred dollars, and the Court shall have power, (upon the recommendation of the jury in the cause,) to add to the judgment for the fine, that he be removed from office.

Sec. 4. In case of the absence of the Mayor from the city, ^{Absence of} or his inability from any reason to discharge the duties of his ^{Mayor} office, the Council shall elect, by ballot, from their own number, an officer who shall be styled "Acting Mayor," and all acts performed by him shall have the same force and validity as if performed by the Mayor.

Sec. 5 The Clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of all ^{Recorder} the proceedings of the City Council. He shall draw orders on the Treasurer, in pursuance of any order or resolution of the City Council, and keep a full and accurate account thereof in books provided for that purpose, and make a full and fair record of all the by-laws, rules or ordinances made or passed by said City Council. The Clerk shall have power to administer oaths or affirmation and copies of all papers filed in his office, and transcripts from the records of the City Council, certified to by him under the corporate seal, shall be evidence in all Courts in like manner as if the original were produced. He shall report annually, on or about the first day of June, to the Council, an estimate of the expenses of the city for the current year, and the revenues necessary to be raised therefor, and the fiscal year of the city shall commence on the first day of June. He shall countersign all contracts made in behalf of the city, and all certificates of work done by order of the City Council. He shall negotiate such temporary loans for the city as the City Council shall direct, and such loan shall be subject to the approval of the City Council. He shall examine the reports, books, papers, vouchers and accounts of the Treasurer, and from time to time, shall perform such other duties as the Council shall direct. He shall not be directly or indirectly interested in any contract or job to which the city is a party, or in any loan to be negotiated by the city.

Sec. 6. The City Council shall have power to elect a City ^{Officers to be} Attorney, Treasurer, Marshal, Tax Collector, Surveyor and ^{elected by} Police Justice, and define their duties. ^{council}

Sec. 7. The City Attorney shall perform all professional duties incident to his office, and when required, shall furnish ^{City Attorney,} written opinions upon any subject submitted to him by the ^{his duties} City Council or its committees; *Provided*, He shall not receive to exceed fifty dollars per year for such services.

Sec. 8. The Treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, ^{Treasurer,} and on the first day of June, and quarterly thereafter, he shall ^{his duties} exhibit to the City Council a full and detailed account of all the receipts and expenditures after the date of the last quarterly report, and also the state of the treasury, which accounts shall be filed with the Clerk.

Sec. 9. The Marshal shall execute such orders, and perform such duties as are prescribed by the City Council, for ^{Marshal,} the preservation of the public peace, for the good order, ^{his duties}

cleanliness and government of the city, and for all other purposes. He shall possess the powers of a constable at common law, and under the statutes of this State and receive like fees.

City Surveyor,
his duties

SEC. 10. The City Surveyor shall hold his office during the pleasure of the City Council, who shall prescribe his duties and fix the fees of compensation for any services performed by him; all surveys, profiles, plans or estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the Clerk, open to the inspection of parties interested.

City Justice of
the Peace

SEC. 11. The Justice of the Peace for the city, shall possess all the authority, power and rights of a Justice of the Peace, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a Justice of the Peace, but warrants returnable before the said City Justice, may be issued in criminal cases by any Justice of the Peace of said county of Dakota, but no fee shall be received therefor by such Justices. Said Justice shall have exclusive jurisdiction in all cases in which the city is a party. In case of the absence, sickness or other disability of said Justice, or from any sufficient reason, the Mayor, by warrant, may authorize any other Justice of the Peace within the limits of the city, to perform the duties pertaining to the office of said Justice, and the Mayor shall thereupon inform the City Attorney and Marshal of such appointment, and make report thereof to the City Council, and they may confirm or set aside such appointment, or appoint some other person, and the person so appointed, shall, for the time being, and until his appointment is vacated, possess all the authority, powers and rights appertaining to the office of Justice of the Peace for the city, *Provided*, That nothing herein contained shall be deemed or so construed as to deprive the city Justice of the Peace of his jurisdiction.

Quarterly re-
port of Justice

SEC. 12. The Justice of the Peace shall quarterly report or oftener if required, to the City Council, a list of all proceedings instituted before him in behalf of the city, and the dispositions thereof; and shall at the same time account and pay over the amount of all penalties and costs collected, which may by law accrue to the city, and he shall be entitled to receive from the county of Dakota, such fees in criminal cases as are allowed to other Justices of the county for similar services.

City Printer

SEC. 13. The City Council may designate a newspaper printed in the city in which shall be published all ordinances and other proceedings and matters required by this Act, or by the by-laws or ordinances of the City Council to be published in a public newspaper.

SEC. 14. The city printer or printers, immediately after the publication of any notices, ordinance, or resolution,

poration of the city of Hastings, are hereby repealed, but the repeal of said Acts shall not affect any act done save in the election of city officers, or right accrued or established, or any proceeding, suit or prosecution, had or commenced previous to the time when such repeal shall take effect, but every such act, right, or proceeding, shall be as valid, and effectual, as if said Acts had remained in force. Repeal of form
or charter

Sec. 9. This Act is hereby declared to be a public Act, and may be read in evidence in all Courts of law in this State. This Act shall take effect from the passage thereof, but the Legislature may alter or repeal the same at any time. Public act

GEORGE BRADLEY,

Speaker of the House of Representatives.

WILLIAM HOLCOMBE,

President of the Senate.

APPROVED—June twenty-second, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE, *ad interim*.

SECRETARY'S OFFICE, Minnesota, }

June 22, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXII.

An Act to Incorporate the town of Minneiska.

SECTION 1. Boundaries of the Town.

2. First election for Town Officers.
3. Term of office and vested rights.
4. Oath of office.
5. Corporate powers of Trustees.
6. Vacancies in Town Council.
7. Duties of the President and Recorder.
- 8, 9, 10, 11. Powers of Town Council.
12. Authority to levy and assess tax.
13. Taxes, how to collect.
14. Books and papers of officers to be given to successors.
15. Manner of conducting elections.
16. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That so much land in the county of Wabashaw, and State of Minnesota, as has been surveyed, platted and